

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF
MASSACHUSETTS,

Plaintiff,

V.

Civ. A. No. 1:09-11156-JLT

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
KATHLEEN SEBELIUS, Secretary of the
United States Department of Health and
Human Services; UNITED STATES
DEPARTMENT OF VETERANS AFFAIRS;
ERIC K. SHINSEKI, Secretary of the United
States Department of Veterans Affairs; and
the UNITED STATES OF AMERICA,

Defendants.

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that all Defendants hereby appeal to the United States Court of Appeals for the First Circuit from the Judgment dated August 12, 2010 [Docket No. 63] and the underlying Memorandum and Order dated July 8, 2010 [Docket Nos. 57, 58].

Dated this 12th day of October, 2010.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (“NEF”) and paper copies will be sent to those indicated as non-registered participants on October 12, 2010.

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